



January 31, 2014

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## SENATE BILL No. 235

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DIGEST OF SB 235 (Updated January 30, 2014 12:34 pm - DI 58)

**Citations Affected:** IC 11-12; IC 11-13; IC 12-14.

**Synopsis:** Mental health pilot project. Requires community corrections programs to use evidence based services, programs, and practices that reduce the risk for recidivism. Permits the community corrections board to coordinate or operate certain programs. Establishes standards for the award of certain grants by the department of correction, and requires the department of correction to consult with the judicial conference and the division of mental health and addiction before awarding grants. Defines "mental health and addiction forensic treatment services", establishes eligibility and treatment criteria, and creates the mental health and addiction forensic treatment services account to fund mental health and addiction forensic treatment services. Requires the judicial conference to discuss with the department of correction and the division of mental health and  
(Continued next page)

**Effective:** July 1, 2014.

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**Young R Michael, Miller Patricia,  
Taylor, Randolph, Stoops**

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January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.  
January 15, 2014, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
January 30, 2014, amended, reported favorably — Do Pass.

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SB 235—LS 6618/DI 106



## Digest Continued

addiction before awarding financial assistance, and requires any person providing mental health and substance use treatment services be certified by the division of mental health and addiction. Provides that the department of correction may provide financial assistance to community corrections programs from the mental health and addiction forensic treatment services account. Allows for the establishment of a three year pilot project in Marion County to reduce recidivism by providing mental health and forensic treatment services. Extends Supplemental Nutrition Assistance program and Temporary Assistance for Needy Families benefits for individuals participating in the Marion County mental health pilot project. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)



January 31, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 235

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 11-12-1-2.5 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.5. (a) The community  
3       corrections programs described in section 2 of this chapter ~~may include~~  
4       the following:

- 5       (1) Residential or work release programs.
- 6       (2) House arrest, home detention, and electronic monitoring
- 7       programs.
- 8       (3) Community restitution or service programs.
- 9       (4) Victim-offender reconciliation programs.
- 10      (5) Jail services programs.
- 11      (6) Jail work crews.
- 12      (7) Community work crews.
- 13      (8) Juvenile detention alternative programs.
- 14      (9) Day reporting programs.
- 15      (10) Faith based programs.
- 16      (11) Other community corrections programs approved by the

SB 235—LS 6618/DI 106



department.  
 shall use evidence based services, programs, and practices that  
 reduce the risk for recidivism among persons who participate in  
 the community corrections programs.

(b) The community corrections board may also coordinate ~~and~~ or  
 operate:

- (1) educational;
- (2) mental health;
- (3) drug or alcohol abuse counseling; and
- (4) housing;

as a part of any of these programs or programs. In addition, the  
 board may provide supervision services for persons described in  
 section 2 of this chapter.

SECTION 2. IC 11-12-3.8 IS ADDED TO THE INDIANA CODE  
 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2014]:

#### **Chapter 3.8. Mental Health and Addiction Forensic Treatment Services**

**Sec. 1.** As used in this chapter, "mental health and addiction  
 forensic treatment services" means evidence based treatment and  
 recovery wraparound support services provided to individuals who  
 have entered the criminal justice system as a felon or with a prior  
 felony conviction. The term includes:

- (1) mental health and substance abuse treatment;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

**Sec. 2.** An individual is eligible for mental health and addiction  
 forensic treatment services if the individual:

- (1) is a member of a household with an annual income that  
 does not exceed two hundred percent (200%) of the federal  
 income poverty level;
- (2) is a resident of Indiana;
- (3) is at least eighteen (18) years of age; and
- (4) has entered the criminal justice system as a felon or with  
 a prior felony conviction.

**Sec. 3.** Mental health and addiction forensic treatment services  
 may be administered or coordinated only by a provider certified by  
 the division of mental health and addiction.

**Sec. 4. (a)** As used in this section, "account" refers to the mental



1 health and addiction forensic treatment services account  
2 established in subsection (b).

3 (b) The mental health and addiction forensic treatment services  
4 account is established for the purpose of providing grants or  
5 vouchers for the provision of mental health and addiction forensic  
6 treatment services. The account shall be administered by the  
7 division of mental health and addiction. Money in the account shall  
8 be used to fund grants and vouchers under this chapter.

9 (c) The account consists of:

- 10 (1) appropriations made by the general assembly;  
11 (2) grants; and  
12 (3) gifts and bequests.

13 (d) The expenses of administering the account shall be paid from  
14 money in the account.

15 (e) The treasurer of state shall invest the money in the account  
16 not currently needed to meet the obligations of the account in the  
17 same manner as other public money may be invested. Interest that  
18 accrues from these investments shall be deposited in the account.

19 (f) Money in the account at the end of a state fiscal year does not  
20 revert to the state general fund.

21 Sec. 5. (a) The commissioner may award financial assistance to  
22 a community corrections program based on the proposed  
23 implementation of evidence based practices or the proposed  
24 coordination of services with other community supervision  
25 agencies operating in the same county.

26 (b) Before providing financial assistance under this section, the  
27 commissioner shall discuss with the judicial conference of Indiana  
28 and the division of mental health and addiction:

29 (1) for the purpose of more effectively addressing the need  
30 for:

- 31 (A) substance abuse treatment;  
32 (B) mental health services; and  
33 (C) other services for offenders placed on community  
34 supervision; and

35 (2) to avoid duplication of services.

36 (c) Mental health and substance abuse forensic treatment  
37 services may be provided by grants under this section. Evidence  
38 based treatment and recovery wraparound support services may  
39 be provided to individuals who have entered the criminal justice  
40 system as a felon or with a prior felony conviction. Services  
41 provided under this section may include:

- 42 (1) mental health and substance abuse treatment;



- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

(d) Mental health and substance abuse forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.

Sec. 6. (a) The Marion superior court may, in consultation with the department of correction, establish a three (3) year pilot project to provide mental health and forensic treatment services to reduce the risk of recidivism among persons whose participation in the program is an alternative to commitment to the department of correction.

(b) Except as provided in subsection (c), the pilot project must provide evidence based services for persons participating in the following programs:

- (1) A diversion program.
- (2) An alternate misdemeanor sentencing program.
- (3) Probation, if the person is placed on probation as an alternative to being committed to the department of correction.
- (4) Community corrections, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.
- (5) Home detention, if the person is placed in home detention as an alternative to being committed to the department of correction.
- (6) Any other program involving community supervision as an alternative to commitment to the department of correction, if the program is approved by the court and the department of correction.

(c) The following persons may not participate in the pilot project:

- (1) A sex or violent offender (as defined in IC 11-8-8-5).
- (2) A person convicted of a felony described in:



- 1 (A) IC 35-42-1;  
 2 (B) IC 35-42-3.5; or  
 3 (C) IC 35-42-4.

4 (d) Mental health and addiction forensic treatment services  
 5 provided as part of the pilot project may be administered or  
 6 coordinated only by a provider certified by the division of mental  
 7 health and addiction with expertise in providing evidence based  
 8 forensic treatment services.

9 (e) The Marion superior court shall, if a pilot project is  
 10 established under this section, provide a report to the legislative  
 11 council before October 1 of each year, beginning on October 1,  
 12 2015. The report must include the following data:

- 13 (1) Recidivism rates for persons in the program.  
 14 (2) The cost of the program.  
 15 (3) Cost savings of the program.  
 16 (4) Opportunities for replication.  
 17 (5) Other information requested by the legislative council.

18 The report must be in an electronic format under IC 5-14-6.

19 (f) This section expires June 30, 2017.

20 SECTION 3. IC 11-13-2-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is  
 22 established a program of state financial aid to be used for the support  
 23 of court probation services. The financial aid program shall be  
 24 administered by the judicial conference of Indiana. Funds appropriated  
 25 to the conference for purposes of this chapter shall be distributed by the  
 26 conference upon approval of the state budget committee **to make**  
 27 **grants to Indiana probation departments for the purposes outlined**  
 28 **in section 2 of this chapter.**

29 (b) Appropriations intended for this purpose may not be used by  
 30 the judicial conference of Indiana for any other purpose. The  
 31 judicial conference of Indiana may expend up to three percent  
 32 (3%) of the money appropriated under this chapter to provide  
 33 technical assistance, consultation, and training to counties and to  
 34 monitor and evaluate the operation of the program. Money  
 35 appropriated to the judicial conference of Indiana for the purpose  
 36 of making grants under this chapter does not revert to the state  
 37 general fund at the close of any fiscal year, but remains available  
 38 to the judicial conference of Indiana for its use in making grants  
 39 under this chapter.

40 SECTION 4. IC 11-13-2-2 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Funds appropriated  
 42 under this program may be made available to any court administering



probation in order to finance expenditures incurred for ~~either any~~ of the following purposes:

- (1) Salaries for existing or new probation officer positions.
- (2) Maintenance or establishment of administrative support services to probation officers.

**(3) Development and implementation of:**

- (A) incentives and sanctions;**
- (B) policies;**
- (C) programs; and**
- (D) services;**

**to address compliance with community supervision following the schedule adopted by the judicial conference of Indiana under IC 11-13-1-8.**

**(4) Development and use of evidence based services, programs, and practices that reduce probationers' risk for recidivism.**

**(5) Establishment of a coordinated system of community supervision to improve the efficiency and coordination of offender services within a county.**

SECTION 5. IC 11-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~State financial aid for support of probation services may be made only to courts meeting the minimum standards adopted by the judicial conference of Indiana and may not exceed fifty percent (50%) of the cost of the positions or services being financed.~~ Any court having probation jurisdiction may apply for financial assistance under this chapter by submitting an application to the **judicial conference of Indiana** for review. The application shall be accompanied by detailed plans regarding the use of the financial aid.

(b) **The judicial conference of Indiana shall develop a plan for the application process and the funding requirements for courts seeking financial aid.** ~~The conference may recommend changes or modifications necessary to effect compliance with the minimum standards.~~ The **judicial** conference and the state budget committee must approve all financial aid granted under this chapter. ~~Any court receiving financial assistance under this chapter may be declared ineligible to receive that assistance if the court fails to maintain the minimum standards.~~

(c) Two (2) or more courts may jointly apply for financial assistance under this chapter.

**(d) The judicial conference of Indiana shall award financial assistance based on the proposed implementation of evidence based**





practices or the proposed coordination of services with other community supervision agencies operating in the same county.

(e) Before providing financial assistance under this chapter, the judicial conference of Indiana shall consult with the department of correction and the division of mental health and addiction:

(1) for the purpose of more effectively addressing the need for:

(A) substance abuse treatment;

(B) mental health services; and

(C) other services for offenders placed on community supervision; and

(2) to avoid duplication of services.

(f) Mental health and substance use treatment services provided by grants under this section shall be provided by a provider certified by the division of mental health and addiction to provide mental health or substance use treatment.

SECTION 6. IC 12-14-29-2, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of a county having a reentry court program **or Marion County**.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6**.

SECTION 7. IC 12-14-29-3, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of a county having a reentry court program **or Marion County**.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.



(4) The individual is successfully participating in a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in a reentry court program **and the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.

SECTION 10. IC 12-14-29-7, AS AMENDED BY P.L.128-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or ~~food stamps~~; **the federal Supplemental Nutrition Assistance Program**; or

(2) when an individual has been terminated from a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6** during the period in which the individual is eligible for TANF or ~~food stamps~~; **the federal Supplemental Nutrition Assistance Program.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 14 through 42.

Page 3, delete lines 1 through 21.

Page 3, line 30, delete "are at risk of entering the criminal justice system." and insert **"have entered the criminal justice system as a felon or with a prior felony conviction."**

Page 3, line 39, delete "is:" and insert ":".

Page 3, line 40, after "(1)" insert **"is"**.

Page 4, line 1, after "(2)" insert **"is"**.

Page 4, line 2, after "(3)" insert **"is"**.

Page 4, line 3, delete "at risk of entering the criminal justice system." and insert **"has entered the criminal justice system as a felon or with a prior felony conviction."**

Page 4, between lines 30 and 31, begin a new paragraph and insert:

**"Sec. 5. (a) The commissioner shall award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.**

**(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:**

**(1) for the purpose of more effectively addressing the need for:**

**(A) substance abuse treatment;**

**(B) mental health services; and**

**(C) other services for offenders placed on community supervision; and**

**(2) to avoid duplication of services.**

**(c) Mental health and substance abuse forensic treatment services shall be provided by grants under this section. Evidence based treatment and recovery wraparound support services shall be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include:**

**(1) mental health and substance abuse treatment;**

**(2) vocational services;**

SB 235—LS 6618/DI 106



- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

(d) Mental health and substance abuse forensic treatment services provided under this section shall be administered or coordinated by a provider certified by the division of mental health and addiction to provide mental health or substance abuse treatment.

(e) The commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017."

Page 4, line 31, delete "Sec. 5." and insert "Sec. 6."

Page 4, line 34, delete "participating in the" and insert "**whose participation in the program is an alternative to commitment to the department of correction.**".

Page 4, delete line 35.

Page 4, line 41, delete "." and insert "**, if the person is placed on probation as an alternative to being committed to the department of correction.**".

Page 4, delete line 42.

Page 5, line 1, delete "(5)" and insert "**(4)**".

Page 5, line 1, delete "." and insert "**, if the person is placed in a community corrections program as an alternative to being committed to the department of correction.**".

Page 5, line 2, delete "(6)" and insert "**(5)**".

Page 5, line 2, delete "." and insert "**, if the person is placed in home detention as an alternative to being committed to the department of correction.**".

Page 5, delete line 3.

Page 5, line 4, delete "(8)" and insert "**(6)**".

Page 5, line 4, after "supervision" insert "**as an alternative to commitment to the department of correction, if the program is**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 235 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 8, Nays 0.

SB 235—LS 6618/DI 106



## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 4, delete "within the state general fund".

Page 3, delete lines 20 through 21.

Page 3, line 22, delete "(g)" and insert "(f)".

Page 3, line 24, delete "shall" and insert "**may**".

Page 3, line 30, delete "consult" and insert "**discuss**".

Page 3, line 40, delete "shall" and insert "**may**".

Page 3, line 41, delete "shall" and insert "**may**".

Page 4, line 18, delete "shall," and insert "**may,**".

Page 5, line 12, after "shall" insert ", **if a pilot project is established under this section,**".

Page 5, line 28, reset in roman "upon approval of the state budget committee."

Page 5, line 28, after "committee" delete ".".

Page 6, line 36, reset in roman "and the state budget committee".

Page 7, after line 18, begin a new paragraph and insert:

"SECTION 6. IC 12-14-29-2, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Under this chapter, an individual is eligible for food stamps if the individual meets all the following requirements:

(1) The individual is a resident of a county having a reentry court program **or Marion County**.

(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana food stamp program requirements.

(4) The individual is successfully participating in a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6**.

SECTION 7. IC 12-14-29-3, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Under this chapter, an individual is eligible for the TANF program if the individual meets all the following requirements:

(1) The individual is a resident of a county having a reentry court program **or Marion County**.



(2) The individual was convicted of an offense under IC 35-48 (controlled substances) for conduct occurring after August 22, 1996.

(3) Except for 21 U.S.C. 862a(a), the individual meets the federal and Indiana TANF program requirements.

(4) The individual is successfully participating in a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 8. IC 12-14-29-4, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals participating in a reentry court program **and the Marion County superior court pilot project described in IC 11-12-3.8-6.**

SECTION 9. IC 12-14-29-6, AS ADDED BY P.L.92-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A court may modify or revoke an order issued under this chapter concerning a ~~food stamp~~ **federal Supplemental Nutrition Assistance Program** eligible individual or a TANF eligible individual at any time.

SECTION 10. IC 12-14-29-7, AS AMENDED BY P.L.128-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A court shall immediately notify the division of family resources local office:

(1) upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or ~~food stamps~~; **the federal Supplemental Nutrition Assistance Program**; or

(2) when an individual has been terminated from a reentry court program **or the Marion County superior court pilot project described in IC 11-12-3.8-6** during the period in which the individual is eligible for TANF or ~~food stamps~~; **the federal Supplemental Nutrition Assistance Program."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 235 as printed January 16, 2014.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

SB 235—LS 6618/DI 106

